

HOUSE JOINT RESOLUTION 894
By Cooper B

A RESOLUTION relative to the permitting of sanitary landfills by the Department of Environment and Conservation.

WHEREAS, the Department of Environment and Conservation is charged with the solemn responsibility of protecting and preserving Tennessee's natural environment for present and future generations; and

WHEREAS, one of the Department of Environment and Conservation's most controversial and important duties involves permitting sanitary landfill sites, especially when such landfills are to be located in communities; and

WHEREAS, an example of the critical importance, and often adversarial nature, of permitting sanitary landfills can be observed in the controversy surrounding the proposed Fite Road demolition, or construction, landfill site in the Woodstock community of Shelby County; and

WHEREAS, this proposed demolition landfill is to be located on the site of the former Chromasco plant, an existing Superfund site; and

WHEREAS, there is evidence that adequate landfill cover does not exist for the closed industrial landfill already present at the facility, and that the previously installed cap for such landfill is no longer present; and

WHEREAS, the presence of "greenwater" or contaminated shallow groundwater and the prevalence of lead and hexavalent chromium contaminated process materials at such site suggest that the remediation previously undertaken is not holding, and that instead of being transformed into a construction landfill, the site should be re-opened under Superfund for additional remedial action; and

WHEREAS, the disturbance created by the construction and operation of a demolition landfill at the former Chromasco site could result in the release and distribution into the environment of already present hazardous contaminants such as lead and hexavalent chromium, which would very likely contaminate the community's air, groundwater and subsurface groundwater; and

WHEREAS, this scenario would unnecessarily expose children at two area schools, hundreds of thousands of tourists visiting the Memphis Motorsports Park and hundreds of people who work in the immediate vicinity to hexavalent chromium, which is a known cancer causing agent; and

WHEREAS, after initially supporting the special use of the former Chromasco site as a demolition landfill, the Department of Environment and Conservation, Division of Solid Waste, has since expressed "several concerns relative to an existing Superfund disposal site" at the location of the proposed landfill; and

WHEREAS, the Department's concerns revolve around proper management of the existing waste and the contaminated groundwater at the site, with its primary concern being "the release of waste constituents to the environment"; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that it is the sense of this General Assembly that the Department of Environment and Conservation should refrain from permitting a proposed sanitary landfill if there is significant community opposition to such landfill and if the special use entailed by such landfill would result in the disturbance and distribution of contaminants or waste constituents hazardous to the public health, safety and welfare.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Commissioner of Environment and Conversation.